

06-09-04

IFW



Practitioner's Docket No. 49814-DIV (70904)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: I. Nakano, et al.
Application No.: 10/676,973 Group No.: 2873
Filed: September 30, 2003 Examiner: Harrington, Alicia M.
For: OPTICAL RECORDING/REPRODUCTION APPARATUS

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

STATUS

2. Applicant is
[] a small entity. A statement:
[] is attached.
[] was already filed.
[X] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment"

CERTIFICATE OF EXPRESS MAILING/TRANSMISSION (37 C.F.R. SECTION 1.10)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [x] deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service
under 37 CFR 1.10 (Express Mail Label No.
EV 438974435 US), and is addressed to the
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on

FACSIMILE

- [] transmitted by facsimile to the Patent and
Trademark Office (703) ____-____.

Kathryn A. Grindrod

Signature

Kathryn A. Grindrod

(type or print name of person certifying)

Date: June 7, 2004

(Amendment Transmittal--page 1 of 4)

after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|--------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 420.00 | \$ 210.00 |
| <input type="checkbox"/> | three months | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> | four months | \$ 1,480.00 | \$ 740.00 |

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

| (Col.1) | (Col. 2) | SMALL ENTITY | | | OR | OTHER THAN A SMALL ENTITY | |
|---|---------------------------------------|------------------|-----------------|---------------|----|---------------------------------|---------------|
| Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Addit. Fee | | Rate | Addit. Fee |
| | | | \$9.00 | \$ | | \$18.00 | \$ |
| Independent Claims Remaining After Amendment | Highest No. Previously Paid For | | \$43.00 | \$ | | \$86.00 | \$ |
| First Presentation of Multiple Dependent Claim+ | | | \$145.00 | \$ | | \$290.00 | \$ |
| | | | | | | Total Addit. Fee | \$ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____.
- ☐ Charge Account No. _____ the sum of \$ _____.
- A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 04-1105.

Date: June 7, 2004

David A. Tucker
SIGNATURE OF PRACTITIONER

Reg. No. 27,840

David A. Tucker
(type or print name of practitioner)
Attorney for Applicant

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Attorney Docket No. 49,814-DIV (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: I. Nakano, et al.

GROUP: 2873

SERIAL NO. 10/676,973

EXAMINER: Harrington, Alicia M.

FILED: September 30, 2003

FOR: OPTICAL RECORDING/REPRODUCTION APPARATUS

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office To Addressee", service under 37 CFR 1.10 (Express Mail Label Number **EV 438974435 US**), and is addressed to Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 7, 2004.

By: Kathryn A. Grindrod
Kathryn A. Grindrod

.....
MAIL STOP: AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:

**COMBINED AMENDMENT AND REQUEST
FOR DRAWING CHANGE APPROVAL**

In response to the non-final Official Action currently outstanding with regard to the above-identified case, kindly amend the subject application as follows:

REQUEST FOR DRAWING CHANGE APPROVAL

In response to the requirement stated in the currently outstanding Official Action in the above-identified case requiring Applicants to amend the drawings of this application, i.e., Figs. 17 and 18, so as to include the legend -- PRIOR ART -- on the grounds that only that which is old is illustrated in those Figures, Applicants respectfully request that in response to this communication the Examiner approve the addition of the legend -- PRIOR ART -- to Figures 17 and 18 of this application as shown in red on the attached photocopy of those Figures of the drawings of this application.

In anticipation of the Examiner's approval of this request, Applicants concurrently herewith are submitting new formal drawings for this application incorporating the changes noted above. Acceptance and entry of those new formal drawings into this application also is respectfully requested.